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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,087	04/06/2006	John S. McGeachie	112680.00019	3244
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HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE BOSTON, MA 02116-3889			EXAMINER LU, KUEN S	
			ART UNIT 2156	PAPER NUMBER
			MAIL DATE 05/31/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,087

Applicant(s)

MCGEACHIE ET AL.

Examiner

KUEN LU

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. The Action is responsive to the Applicant's Amendment, filed April 18, 2011. It is acknowledged that amendments were made to claims 1-3, 5-6, 9-14, 16-17 and 20-22 and claims 4 and 15 were canceled. Claims 1, 11 and 21-22 are independent.

As to Applicant's remarks/arguments, please see Examiner's responses in a section following claim rejections.

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities:

The two claims were amended with minor typographical errors, for example, "both, entered by the user in the user interface," seem to be "both, entered by the user in the user interface". The objections are provided for applicant's reference purpose.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2.1. Claims 1-3, 5-14 and 16-22 are rejected under 35 U.S.C. 102(b) as anticipated by Raveis, Jr.: "SYSTEM AND METHOD FOR MANAGING TRANSACTIONS RELATING TO REAL ESTATE", U.S. Patent 6,321,202, filed 12/10/1999 and issued 11/20/2001, hereafter "Raveis".

As per claim 1, Raveis teaches "A computer-implemented method of determining a pathway between a source connection point and a target connection point, comprising" (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, sales agents **is the source connection point** as the list of contacts and real estate sales listing **is the target connection point**):

"providing a computer system having at least one database comprising data defining individuals, businesses, or both as connection points" (See Figs. 2A-2B and 8A-8B, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, real estate databases, including sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and real estate sales listing);

"providing a user interface configured to allow entry by a user of a list of source contacts, comprising one or more individuals, one or more businesses, or both, and a list of target contacts, comprising at least one individual or business" (See Figs. 3-5, 7 and 9, and col. 7, lines 36-50, each of the user interface window provides entry for the real estate employee, sales agent, contact, listing, vendor and real estate company, identify businesses such as agent, contact and/or real estate sales, in which real estate employee is the user using windows for data entry);

"defining the source connection point as a list of contacts comprising individuals, businesses,

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or both, entered by the user in the user interface;" (See Figs. 2, 4; col. 6, lines 54-63; col. 8, lines 38-40 and col. 10, lines 1-8, and col. 7, lines 36-50, sales agents is the source connection point as the list of contacts and contact is an item can be treated as a unit, in which real estate employee is the user using windows for data entry to define);

"defining the target connection point, as the list of target contacts, comprising at least one individual, businesses, or both, entered by the user in the user interface" (See col. 10, lines 1-8, and col. 7, lines 36-50, real estate sales listing is the target connection point, in which real estate employee is the user using windows for data entry to define); and

"defining, in response to the entry by the user, in the user interface, of the list of source contacts and the list of target contacts, a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts" (See col. 10, lines 1-10, and col. 6, line 64 – col. 7, line 20, and col. 7, lines 36-50, the real estate company provides intermediate points defining pathway between sales agents and real estate sales listing in which the real estate company database identifies real estate listing, sales agents, contacts and sale transactions, in which real estate employee is the user using windows to enter data for the real estate system to define).

As per claim 11, the claim describes a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a

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target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 1. Therefore, claim 11 is rejected base on the same rationale that rejected claim 1.

As per claim 2, Raveis teaches the computer-implemented method of claim 1 further comprising:

"providing at least one host database comprising identification data for each of a plurality of individuals and businesses, wherein for each individual or business said identification data includes relationships to at least one other individual or business" (See Figs. 2, 6A-6B, col. 6, line 64 – col. 7, line 20 and col. 9, lines 8-25, the sales agents, contacts, listings, vendor and real estate company are **associated and related** based on fields of data of the databases);

"defining a starting point as a list of at least one individual or business" (See Figs. 2, 4; col. 6, lines 54-63; col. 8, lines 38-40 and col. 10, lines 1-8, where sales agents **is the source connection point, also a starting point**, as the list of contacts);

"defining an endpoint as a list of at least one individual or business" (See col. 10, lines 1-8, fields of real estate sales listing is the target connection point, also the endpoint as the listing real estate sales); and

"generating at least one pathway that identifies a set of intermediate individuals, businesses **or both**" (See col. 6, line 64 – col. 7, line 23, the real estate company is the pathway between sales agents and real state sales listings, the database identifies individuals, including sale contacts, sellers

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attorney and real estate transactions), wherein the identity of each intermediate individual or business includes:

"a first set of identification data **in common with** a set of identification data of an individual or business from **the starting point** or of a prior intermediate individual or business" (See col. 6, line 64 – col. 7, line 23, sales agents are in common with sales agents database, the starting point); and

"a second set of identification data **in common with** a set of identification data of a subsequent intermediate individual or business or of an individual or business from **the endpoint**" (See col. 6, line 64 – col. 7, line 23, sellers attorney, surveys are related to the real estate listing).

As per claim 3, Raveis teaches "The method of claim 2 wherein at least one of the starting point and the endpoint is a list comprising a plurality of individuals, businesses or both" (See col. 6, line 64 – col. 7, line 23, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, each record in real estate databases, including sales agent, contact, listing, vendor and real estate company, identify businesses such as agent, contact and real estate sales listing is self a listing of data).

As per claim 4, Raveis teaches "The method of claim 2 further comprising providing a user interface configured for entry of at least one of the starting point or endpoint" (See Figs. 4-5, 7 and 9, each of the user interface window provides entry for the sales agent, contact, listing, vendor and real estate company, identify businesses such as agent, contact and/or real estate sales).

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As per claim 5, Raveis teaches "The method of claim 2 wherein the identification data comprises an identification of the individual or business" (See col. 6, line 64 – col. 7, line 23, sales agents, MLS data, phones are fields for data and as examples for identifying individual or business).

As per claim 6, Raveis teaches "The method of claim 2 wherein providing at least one host database comprises deriving information from at least one private or public domain source including data representing individuals, businesses or both" (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are public data with exceptions such as those financial or confidential related).

As per claim 7, Raveis teaches "The method of claim 6 wherein deriving information comprises parsing information from at least one private or public domain source" (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are public data with exceptions such as those financial or confidential related).

As per claim 8, Raveis teaches "The method of claim 6 wherein the at least one private or public domain source includes web sites, publications and databases" (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are in databases).

As per claim 9, Raveis teaches "The method of claim 2, further comprising, prior to generating, defining a maximum number of intermediate individuals, businesses or both to comprise

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the at least one pathway" (See col. 6, line 64 – col. 7, line 23, sales agents, MLS data, phones are fields identifying individual or business comprises data in the real estate company database).

As per claim 10, Raveis teaches "The method of claim 2, further comprising: for the at least one pathway, displaying the starting point, the one or more intermediate individuals, businesses or both and the at least one endpoint" (See col. 6, line 64 – col. 7, line 23, the real estate company record includes sales contact, the sales agent, and real estate survey for real estate listing).

As per claims 12-13, the claims describe a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 2. Therefore, claims 12-13 are rejected base on the same rationale that rejected claim 2.

As per claims 14-19, the claims describe a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claims 3-9, respectively and consequentially. Therefore, claims 14-19 are rejected base on the same rationale that rejected claims 3-9, respectively and consequentially.

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As per claim 21, Raveis teaches "A computer-implemented method of determining a pathway between a source connection point and a target connection point" (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, **sales agents is the source connection point** as the list of contacts and **real estate sales listing is the target connection point**) comprising:

"providing a computer system having at least one database comprising data defining individuals as connection points" (See Figs. 2A-2B and 8A-8B, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, real estate databases, including sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and real estate sales listing in which **sales agents is the source connection point** as the list of contacts and **real estate sales listing is the target connection point**);

"providing a user interface configured to allow entry by a user of a list of source contacts, comprising an individual or individuals, and a list of target contacts, comprising an individual or individuals" (See Figs. 3-5, 7 and 9, and col. 7, lines 36-50, each of the user interface window provides entry for the real estate employee, sales agent, contact, listing, vendor and real estate company, identify businesses such as agent, contact and/or real estate sales, in which real estate employee is the user using windows for data entry);

"defining the source connection point as [[a]]the list of source contacts comprising an individual or individuals, entered by the user in the user interface" (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, **sales agents is the source connection point** as the list of contacts and **real estate sales listing is the target connection point** in which sales and

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agents are individuals and further at col. 7, lines 36-50, real estate employee is the user using windows for data entry to define);

"defining the target connection point-as at least one individual from the list of target contacts, comprising an individual or individuals, entered by the user in the user interface" (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, sales agents **is the source connection point** as the list of contacts and real estate sales listing **is the target connection point in which sales and agents are individuals** and further at col. 7, lines 36-50, real estate employee is the user using windows for data entry to define); and

"defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts" (See col. 10, lines 1-10, and col. 6, line 64 – col. 7, line 20, the real estate company provides intermediate points defining pathway between sales agents and real estate sales listing in which the real estate company database identifies real estate listing, sales agents, contacts and sale transactions, and further at col. 7, lines 36-50 in which real estate employee is the user using windows to enter data for the real estate system to define).

As per claim 22, the claim describes a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 21. Therefore, claim 22 is rejected base on the same rationale

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that rejected claim 21.

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References

3.1. The prior art made of record

B. U.S. Patent 6,321,202

3.2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. U.S. Patent Application Publication 2005/0015432

Response to Arguments

4. In the REMARKS/Amendment filed April 18, 2011, Applicant kindly identified the difference between cited Raveis reference and the instant application and, mainly, argued that the "user" of Raveis does not perform functions such as entering data and defining source, target and intermediate connection points from source, target and intermediate contacts, respectively. The Examiner respectfully submits that the user of Raveis reference is the real estate system user who performs data entry, defining connection points as contact information is entered, and further defining connection point via the real estate system. Additional paragraph(s) and/or figures were cited to clarify the Examiner's interpretation of the claim text. Also please note the claim language has been broadly and reasonably interpreted and, subject matters claimed have been carefully and closely mapped to the cited subject matters.

Conclusions

5.0. Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5.1. Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

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5.2. In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8: 00 am-5: 00 pm).

If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http: "://pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Patent Examiner

May 27, 2011